

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

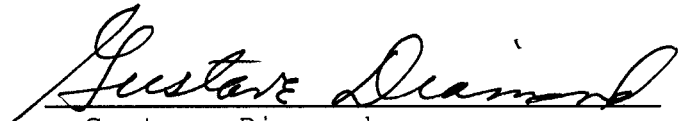
UNITED STATES OF AMERICA)
)
 v.) Criminal No. 05-32
)
KEVIN WYGANT)

MEMORANDUM ORDER

AND NOW, this 9th day of August, 2005, for all of the reasons stated on the record at the hearing held on August 9, 2005, the court concludes that probable cause existed for police officers to stop the vehicle in which defendant was a passenger and to arrest him and that the subsequent search of his person, his duffel bag and the vehicle was lawful. Accordingly, IT IS ORDERED that defendant's motion to suppress evidence (Document No. 18) be, and the same hereby is, denied; and,

IT FURTHER IS ORDERED that defendant's motion to compel the government to provide him with a statement of uncharged misconduct evidence (Document No. 19) be, and the same hereby is, denied as moot as the government has represented that it has not yet identified any evidence under Fed.R.Evid. 404(b) that it will seek to introduce at trial, and the government has provided defendant with the information requested under Fed.R.Evid. 609. To the extent that the government becomes aware of Rule 404(b) evidence that it intends to introduce at trial, the government shall

provide defendant with the required notice under that rule 10 days
in advance of trial.

A handwritten signature in cursive script, reading "Gustave Diamond", written over a horizontal line.

Gustave Diamond
United States District Judge

cc: Soo C. Song
Assistant U.S. Attorney

W. Penn Hackney
Assistant Fed.Pub. Defender